



INVESTOR IN PEOPLE

H.T.A. High Tech Applications Holdings Ltd.
% Boulton Wade Tennant
Verulam Gardens
70 Grays Inn Road
LONDON
WC1X 8BT

**The Patent Office
Patents Directorate**

Concept House
Cardiff Road, Newport
South Wales NP10 8QQ

Examiner: 01633 814478
E-mail: robert.barrell@patent.gov.uk
Switchboard: 01633 814000
Fax: 01633 814444
Minicom: 08459 222250
DX 722540/41 Cleppa Park 3
<http://www.patent.gov.uk>

Your Reference: AJF/P60497/300
Application No: GB 0316029.8

6 November 2003

Dear Sirs

**Patents Act 1977:
Combined Search and Examination Report under Sections 17 and 18(3)**

Latest date for reply: 12 July 2004

I enclose two copies of my search and examination report and two copies of the citations.

By the above date you should either file amendments to meet the objections in the report or make observations on them. If you do not, the application may be refused.

Publication

I estimate that, provided you have met all the formal requirements, preparations for publication of your application will be completed soon after 9 December 2003. At this time you will receive a letter confirming the exact date when the preparations for publication will be completed. This letter will also tell you the publication number and date of publication of your application.

Withdrawal/amendment

If you wish to withdraw your application before it is published you must do so before the preparations for publication are complete. **WARNING** - after preparations for publication are complete it will NOT be possible to withdraw your application from publication.



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If you wish to file amended claims for inclusion with the published application you must do so before the preparations for publication are completed. If you write to the Office less than 3 weeks before 2 December 2003 please mark your letter prominently:

"URGENT - PUBLICATION IMMINENT".

Yours faithfully

Robert Barrell
Examiner

Important information about combined search and examination

I also ask that you take note of the following points. These might have a bearing on the future stages of your application because the examination report has been sent to you before your application has been published.

- (a) You may file voluntary amendments before making a full response to my examination report. We will publish with your application any new or amended claims you file voluntarily or as a full response, provided that they are received before preparations for publication are completed. It would help us when you file amendments before publication if you could **prominently indicate** in a covering letter whether or not the amendments are intended as a full response to the examination report.
- (b) If you file a full response to the examination report before your application is published I will consider it as soon as possible. However, if this would disrupt the publication of your application, I would have to delay taking any action until the application had been published. This delay could be up to 3 months, depending upon when we receive your response.
- (c) There is another situation when there might be a delay between you filing a full response and the Patent Office responding to it. This would arise if you met all my objections but your application had not or had only recently been published. I could not report the outcome of my re-examination until I was satisfied that the search was complete for documents published before the priority date of your invention and that anybody interested in the application has had three months following publication of the application to make observations on the patentability of your invention.
- (d) Provided that the requirements of the Act have been met, I can send your application to grant as early as three months after publication. Before doing so I will bring the original search up to date and raise with you any further objection that might result from this top-up search. However, there is a possibility that at that time I may not have access to all the patent applications published after the priority date of your invention and of possible relevance to your application. If this is the case I would have to complete the search after grant and if necessary raise any new found novelty objection then.



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Application No: GB 0316029.8
Claims searched: 1 - 23 and 37 - 39

Examiner: Robert Barrell
Date of search: 6 November 2003

Patents Act 1977 : Search Report under Section 17

Documents considered to be relevant:

Category	Relevant to claims	Identity of document and passage or figure of particular relevance	
X,P	1, 2, 16 - 20, 22, 23, 37 & 38	GB 2383185 A	(MACROVISION CORP & TTR TECHNOLOGIES) See especially: page 13, line 22 - page 14, line 19; page 15, line 9 - page 16, line 9, and; fig 7.
X	1 & 37	GB 2357165 A	(RECORDING INDUSTRY TRADING) See especially: page 3, lines 16 - 23.
A		GB 2355575 A	(MACROVISION EUROPE)
A		EP 0760509 A1	(SONY)
A		US 5815485 A	(TANAKA et al)

Categories:

X	Document indicating lack of novelty or inventive step	A	Document indicating technological background and/or state of the art.
Y	Document indicating lack of inventive step if combined with one or more other documents of same category.	P	Document published on or after the declared priority date but before the filing date of this invention.
&	Member of the same patent family	E	Patent document published on or after, but with priority date earlier than, the filing date of this application.

Field of Search:

Search of GB, EP, WO & US patent documents classified in the following areas of the UKC^v:

G5R

Worldwide search of patent documents classified in the following areas of the IPC⁷:

G11B

The following online and other databases have been used in the preparation of this search report :

EPODOC, WPI, JAPIO



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Examiner: Robert Barrell
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Latest date for reply: 12 July 2004

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Patents Act 1977

Combined Search and Examination Report under Sections 17 & 18(3)

Plurality of invention (section 14(5)(d))

1. Your claims define two separate inventions not forming a single inventive concept. The inventions are:

- a. an optical disc and a method of controlling access which includes a primary track, an alternate track and access information which directs a data reader to an alternate track, as defined by claims 1 and 37, and;
- b. a method of generating optical disc data which includes generating primary tracks and alternate tracks and providing table of contents which indicates to a data reader that the total number of tracks written on the disc equals the number of primary tracks, as defined by claim 24.

2. The matter common to these three claims is considered to be an optical disc containing one or more primary tracks, one or more alternate tracks and data which will only be read by a data reader. This is known in the prior art, in the light of the documents cited for novelty below at least.

3. You will need to amend your claims, so that they relate to only one invention or inventive concept. You will also need to make consequential amendments to the description. You may wish to consider filing a divisional application. Any such application should normally be filed no later than 3 months before the expiry of the period for putting the present application in order.

Scope of search

4. In accordance with Section 17(6), only the first of these inventions has been searched. The other invention can be searched if you wish. In this case you will have to file a further Form 9/77.

What this report covers

5. I have not been able to consider the novelty or obviousness of the unsearched invention.



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[Examination Report contd.]

Novelty (section 1(1) (a))

6. The invention as defined in claims 1, 2, 16 - 20, 22, 23, 37 and 38 is not new because it has already been disclosed in the following documents:

* GB 2383185 A (MACROVISION CORP & TTR TECHNOLOGIES)
Relevant to claims 1, 2, 16 - 20, 22, 23, 37 and 38.
See especially: page 13, line 22 - page 14, line 19; page 15, line 9 -
page 16, line 9, and; fig 7.

GB 2357165 A (RECORDING INDUSTRY TRADING)
Relevant to claims 1 and 37.
See especially: page 3, lines 16 - 23.

* No amendment of your claims will be needed in respect of the document marked * if you can show that the priority date of your invention is not later than the priority date of the relevant disclosure in that document.

7. GB 2383185 discloses a copy protection method in which an optical disc has a 'first session' of audio data, additional lead-in and lead-out areas or table of contents, which are only accessed and read by a data reader and which direct a data reader only to a 'second session'. This anticipates your 'primary track', 'location information' and 'secondary track' respectively. Consequently claims 1 and 37 are not novel.

8. GB 2357165 discloses a computer program which is inserted prior to the audio data area, which are equivalent to your 'alternate' and 'primary' tracks respectively, and whose position constitutes 'access information' which can only be read by a data reader and which prevents reading of the 'audio data'. Consequently this document also anticipates claims 1 and 37.

9. GB 2383185 also discloses encryption, decryption and computer program in a form which anticipates the further claims listed above and so these claims are also not novel.



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[Examination Report contd.]

Clarity and support (section 14(5))

10. Your invention, as set out in the first paragraph of page 4, appears to depend upon the difference in ability to read different types of data between 'an audio CD player' and a 'data reader' such as a computer CD-ROM drive. This distinction is insufficiently clear, throughout the claims but particularly in independent claims 1, 24 and 37, which thus renders their scope unclear. An audio-only CD player reads data and therefore appears to be encompassed by the term 'data reader' and conversely a CD-ROM drive can also read audio data so is similarly encompassed by 'CD audio player'. The first paragraph of page 4 seems to attach special meanings to 'a data reader' and to a 'CD-DA player' but these are not defined in the claims however, and so cannot be discerned from reading the claims alone.

11. Terminology is inconsistently applied throughout the claims, which further renders their scope unclear. Particular examples include:

- a. claims 1 and 37 in which it is not clear whether the unqualified term 'data reader', as it appears in the penultimate line of each, is the same as the 'optical disc data reader' which appears earlier in each;
- b. claims 3, 4, 5, 8, 9 and 26 refer to a 'CD audio player' but claims 8, 25, 38 and 39 refer to a 'CD-DA player' (claim 8 refers to both) and it is not clear whether these terms are intended to mean the same thing.

12. Claims 7 and 24 both state that a data reader will determine that there are 'm' tracks on the disc, which contradicts claim 8, the second and third lines of claim 9 and the description, at page 15, line 8 - page 16, line 9. These latter three instances state that it is a 'CD-DA' that will determine the number of tracks on the disc to be 'm', i.e two 'primary tracks' in the example given in that passage of the description.

13. Claims 8 and 9 are at odds with claim 1 because they refer to the 'disc access information' indicating to 'a CD-DA player' and a 'CD audio player' respectively whereas claim 1 stipulates that the disc access information is only read and utilised by a data reader.

14. There is no antecedent to 'the m+n' tracks accessible to an optical disc data reader' in claim 8.

15. Claim 18 is unclear, it appears to say that decryption of the disc access information only permits location of the primary tracks. Did you intend this to mean that the disc access information permits location of the primary tracks only when decrypted? You should ensure that this claim is not coterminous with claim 16.



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[Examination Report contd.]

16. It is clear from reading the description that both an audio CD player and a data reader are expected to access the table of contents. If one of these is expected to read this data in a different way which therefore yields a different result from the other then this distinction needs to be made clear in claim 24.

17. The statements of invention commencing on line 29 of page 3 and on line 16 of page 12, should be amended to accord in scope with claims 1 and 37 respectively.

18. On line 13 of page (14) the list of sub-code channels contains two 'W's and no 'Q'. Rectification is desirable because the 'Q' channel is extensively discussed in the subsequent passages.

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